

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 5:08 CR 259-01
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
HOWARD RAY HUNT, JR.)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing of , which was referred to the Magistrate Judge with the consent of the parties.

On June 17, 2008, the government filed a one count Indictment, charging Defendant, Howard Ray Hunt, Jr., with Access Device Fraud in violation of Title 18 United States Code, Section 1029(a)(2). On July 1, 2008, Defendant Hunt was arraigned and entered a plea of not guilty before Magistrate Judge James S. Gallas. On February 24, 2009, Magistrate Kenneth S. McHargh received Defendant Hunt's plea of guilty to count 1 of the Indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Hunt is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Hunt is adjudged guilty to Count 1 of the Indictment, in violation of Title 18 United States Code, Section 1029(a)(2). This matter is referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on May 27, 2009, at 11:00 a.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE